

MICHAEL SUBENKO
PETITIONER,

FILED
IN CLERK'S OFFICE

CIA NO. 5 P 12:36

v.

COMMONWEALTH OF MASSACHUSETTS
BROCKTON DISTRICT ATTORNEY'S OFFICE.

U.S. DISTRICT COURT
DISTRICT OF MASS.

RESPONDENTS,

04-10023 GAO

MEMORANDUM ON PLAINTIFF'S REQUESTS

THIS IS A CIVIL ACTION, THE PLAINTIFF IN THE ABOVE-CAPTIONED MATTER, IS A PRO-SE LITIGANT WHO IS CURRENTLY A PRISONER. HE HAS FILED SUIT ON VARIOUS ACTS OF MISCONDUCT BY THE DEFENDANTS NAMED IN THE SUIT. THIS ACTION IS BEING PRESENTED TO THIS COURT. IN SUMMARY, THE COMPLAINT SEEKS THAT THIS COURT. (1) APPOINT COUNSEL TO A ILLITERATE PRISONER, WITH NO LEGAL TRAINING, OR AVAILABLE FUNDS TO AFFORD COUNSEL, (2) TO ALLOW AN INDIGENT PRISONER LEAVE TO PROCEED IN FORMA PAUPERIS.

WHILE THE COURT HAS THE AUTHORITY TO APPOINT AN ATTORNEY FOR A FINANCIALLY ELIGIBLE PERSON SEEKING RELIEF UNDER, 28 U.S.C. § 2254, THE COURT FIND THAT THE INTEREST OF JUSTICE REQUIRE APPOINTMENT OF COUNSEL AT THIS TIME. PETITION PRESENTS A MISFEASANCE CLAIM THAT IS FACTUALLY AND LEGALLY COMPLEX AND THAT COUNSEL IS NEEDED FOR AN EVIDENTIARY HEARING. IS REQUIRED: SEE, RULE 8(C), OF THE RULES GOVERNING SECTION 2254 PROCEEDINGS: UNITED STATES V. MALA, 7, F.3d, 1058, 1064, (1st, CIR, 1993) (OUTLINING FACTORS TO CONSIDER IN APPOINTING COUNSEL FOR INDIGENT LITIGANTS): SEE: COOKISH V. CUNNINGHAM, 787, F. 2d, 1, 3, (1st, CIR, 1986):

SCANNED

DATE: 1-7-04

BY: FOM

PLAINTIFF IS SEEKING ACTION BY THE COURT IN ACTION HERETIN FILED, HE HAS FILED PLEADINGS IN THIS ACTION IN ACCORDANCE WITH RULES AND LAW.

ACCORDINGLY, THE COURT SHOULD TAKE ACTION ON THE FOREGOING DOCUMENTS.

DATED: December 21, 2003

RESPECTFULLY SUBMITTED,
BY PLAINTIFF - PRO-SE,

Michael Subenko
MICHAEL SUBENKO-VI-65867.